



FACT SHEET ON INDEPENDENT EXPENDITURES & CAMPAIGN ADVOCACY

This fact sheet applies to entities that accept contributions to make independent expenditures to support or oppose a City candidate. It is designed to provide general guidance in determining whether or not an expenditure constitutes advocacy for or against a City candidate, and whether it is, therefore, subject to the contribution limitations and source prohibitions set forth in the City's Election Campaign Control Ordinance [ECCO]. Entities making independent expenditures to support or oppose a City candidate may only accept contributions from individuals, and may not accept more than \$250 per contributor to pay for the expenditure.

According to ECCO, an "independent expenditure" is defined as any expenditure for a communication that:

- ❖ expressly supports or opposes a City candidate, or
- ❖ expressly supports or opposes a City ballot measure, or
- ❖ taken as a whole and in context, unambiguously urges a particular result in a City election.

The following are examples of communications that do not indicate advocacy on behalf of a City candidate:

- ❖ An advertisement that does not mention a candidate by name or reference.
- ❖ An advertisement that mentions the need to reform some aspect of City government without mentioning a candidate's ability to accomplish the suggested reform.
- ❖ An advertisement that mentions a candidate's name, but only with regard to supporting a ballot measure.

The following criteria may be considered when determining whether or not a communication urges a particular result in a City election:

- ❖ The advertisement contains the words "vote for," "elect," "support," "cast your ballot," "vote against," "defeat," "reject," or other similar phrases, and also refers to a clearly identified candidate.
- ❖ The advertisement mentions a candidate's qualifications or implies that a candidate is qualified for a particular office. Examples include such descriptive phrases as: "a proven leader," "a caring statesman," and "a dedicated public servant."
- ❖ The advertisement lists the names of voters who are supporting or would vote for a particular candidate.
- ❖ The advertisement identifies a candidate's voting record and suggests his or her qualification for office.
- ❖ The advertisement grades one or more candidates on a particular issue or issues.
- ❖ The advertisement evaluates a candidate's education, professional experience, or community activities.

The above examples illustrate some types of communications that may constitute campaign advocacy. Ultimately, an advertisement must be evaluated in its context on a case-by-case basis to determine whether or not it urges a particular result in a City election. For additional information, please contact the Ethics Commission at (619) 533-3476.